

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

MEMORANDUM

TO: Barry E. Hill, Director, Office of Environmental Justice ("OEJ")

Office of Enforcement and Compliance Assurance ("OECA")

FROM: Theodore J. Kim, Legal Counsel, OEJ/OECA /s/ Ted Kim

DATE: October 27, 2005

RE: "Environmental Justice in the News" for the Week Ending November 4,

2005

This memorandum summarizes select environmental justice news actions for the period beginning October 20, 2005 through the week ending November 4, 2005. The summary is limited to Lexis/Nexis searches conducted using the query: "(environment! w/2 (justice or racism or equity or disproportionate or disparate)) or (environment! w/25 minorit! or low***income) or (executive order 12898) or (civil right! w/25 environmental) or ("fair housing act" w/25 (environment! or zon!))." Please note that multiple articles covering the same topic were not included. Similarly, articles on international or foreign-based environmental justice issues were not included, unless they specifically pertained to the United States.

1. News Items.

The following news was particularly noteworthy:

• "Region VIII Pilot for Grading State Programs Draws Harsh Criticism," Superfund Report (Nov. 7, 2005). Utah officials are criticizing the United States Environmental Protection Agency's ("EPA") Region VIII's assessment of the performance of the State's hazardous waste management program. The officials specifically criticized the Region's pass/fail grading system, which they believed was unfair and did not improve the State's efforts. The issue arose following the issuance of a Region VIII report ("Report") that reviewed Utah's hazardous waste program in Fiscal Year 2004. Pursuant to EPA's grant rules, the Report assessed the State's fulfillment of its workplan commitments and assessed the hazardous waste program in five areas and 29 applicable criteria. Under the pass/fail grading system, the State passed only 18 of the 29 criteria. In addition, Region VIII outlined 19 "'key action items'" for

Utah to improve, including incorporating environmental justice into inspection strategies. The Report indicated that 95% of large quality generators with lagging inspections and 50% of those never inspected are in potential environmental justice areas. In response, State officials disputed the need to single out environmental justice areas and asserted that "the demographics of the state are generally consistent, and that it is EPA – not Utah – that develops [environmental justice] criteria." In response, an EPA spokesperson asserted that EPA "does not define the areas from a geographic point of view based upon the race or income of the residents; instead, the [A]gency focuses on the environmental and public health conditions before it looks at the factors."

- "U.S. National Cancer Institute: U.S. NCI Announces New Initiative on Energy Balance and Cancer," <u>Law and Health Weekly</u> (Nov. 5, 2005) at 349. The United States National Cancer Institute ("NCI") announced that it has funded a new initiative, "The Transdisciplinary Research on Energetics and Cancer Initiative" ("Initiative"), which will focus on the relationship between obesity and cancer. Specifically, the Initiative will integrate the effects of diet, weight, and physical activity on cancer by funding research centers that concentrate on energy balance and the flow and transformation of energy through living systems (*i.e.*, energetics). The Initiative will fund four research centers at a cost of \$54 million over five years, including a center at the University of South California that will explore the "physiologic, metabolic, genetic, behavioral, and environmental influences on obesity and cancer risk in minority children."
- "New Hampshire Receives \$40,747 from EPA for Two Environmental Projects at Public Schools," <u>States News Service</u> (Oct. 30, 2005). EPA awarded two cooperative grants in New Hampshire to supplement ongoing environmental and public health initiatives in that State's schools. The grants, which total \$40,797, will support healthy, livable, and safe communities. The first grant went to the New Hampshire Department of Environmental Services for \$25,905 to fund the implementation of the new EPA Healthy School Environments Assessment Tool ("Tool"), which is software to help schools identify, prioritize, and manage their environmental responsibilities. Specifically, the Tool allows school district staff to track environmental health and safety conditions and generate customized checklists and reports. The second grant of \$14,842 went to the Manchester Education Association to fund the Manchester Healthy School Indoor Air Program ("Program"). The Program will address indoor air quality problems at schools, which educators and parents have reported, by establishing EPA's Tools for Schools Indoor Air Quality Program at 16 of the District's 24 schools. Both grants are part of EPA New England's Healthy Communities Grant Program, which strategically addresses environmental issues affecting public health and

- specifically targets, among other areas, environmental justice areas of potential concern.
- "Student Activism Still Alive; Specific Issues Attract Attention," News and Observer (Raleigh, N.C. Oct. 31, 2005) at B1. The article discussed student activism and noted that it is "still alive" at various universities in North Carolina. The discussion focused on efforts at schools like Duke, North Carolina, North Carolina State, and others. For instance, students at Shaw University work on specific issues, such as environmental racism and health disparities, in small groups.
- "Smelter Opponents Chalk Up a Win," El Paso Ciudad Juarez News (Oct. 29, 2005). To the delight of environmentalists and political leaders. two Texas state administrative law judges denied the American Smelting and Refining Company's ("ASARCO") application to renew its state air quality permit for its aging El Paso copper smelter. In denying the permit renewal application, the judges cited ASARCO's poor compliance record over the past five years, as well as the company's failure to demonstrate that its smelter would not cause or contribute to future air pollution. The judges heavily weighed ASARCO's air emissions monitoring model in making their decision. The Texas Commission on Environmental Quality will consider the judges' recommendation and make the final decision on whether to renew the company's air quality permit. ASARCO, which recently filed for bankruptcy, had suspended its El Paso operations in 1999. The company's opponents believe that the company is responsible for a large amount of lead, copper, arsenic, and other heavy metal contamination in the Paso del Norte Border region.
- "Perchlorate Cleanup Sought by Gathering; Rialto: Environmental Groups and Residents Decry Contamination of Groundwater Wells," Press Enterprise (Riverside, CA Oct. 27, 2005) at B3. On October 26, 2005, environmental groups and residents demanded that the Santa Ana Regional Water Quality Control Board ("Board") require polluters to clean perchlorate contamination that has tainted groundwater wells in the Rialto, Fontana, and Colton areas. Residents expressed outrage at pollution, particularly due to the potential exposure to children. The Board is negotiating for the polluters, B.F. Goodrich Corporation and Black and Decker, Inc., to provide replacement drinking water to the affected areas, which are predominantly low-income and Latino.
- "Discovery of Bones Divides Metro Officials, Boyle Heights Residents," <u>City News Service</u> (CA Oct. 27, 2005). The handling of human remains that Metro construction crews discovered near a Boyle Heights cemetery while extending the light rail system has raised unspecified environmental racism concerns among that area's residents. This past June, crews at the site, which is near Evergreen Cemetery,

discovered 78 full skeletons, bone fragments, and wood from deteriorating coffins. Officials of the project asserted that the crews were unaware that they were digging near a former crematorium, and they did not find any indication from their environmental studies that bodies were buried in the land. Residents were unmoved by the officials' assertions and believe the officials were negligent in conducting their environmental studies.

- "Sponsors Ask CA Governor to Preserve Intent of Biomonitoring Bill," Risk Policy Report (Oct. 25, 2005). Sponsors of SB600, a landmark biomonitoring bill in California, have urged Governor Arnold Schwarzenegger to develop a statewide program that preserves the key goals of the Bill. The sponsors outlined eight elements of SB600, which would have created the Nation's first statewide biomonitoring program to screen potentially toxic chemicals found in humans, that they seek to preserve, including, among other things: creating a voluntary and confidential biomonitoring program; forming an advisory panel to help develop the program; and ensuring that the program follow all scientific requirements. The Bill incorporated environmental justice concerns that would have informed participants of research results in a sensitive manner. However, Governor Schwarzenegger vetoed the Bill on October 7, 2005 as "flawed," in that it failed to provide context for the study results, which may have lead to poor health decisions by Californians in trying to avoid certain chemical exposures.
- "Bishops Advocate for Storm Victims," Newsday (N.Y. Oct. 25, 2005) at A15. On October 19, 2005, Brooklyn Bishop Nicholas DiMarzio sent members of Congress a strongly worded letter on behalf of the Nation's Roman Catholic prelates, that urged the members to make the needs of the poor and vulnerable their top priority in rebuilding the storm-ravaged Gulf Coast. In addition, Bishop DiMarzio noted that the Church vehemently opposed "any effort to pay for the costs of Katrina and Rita by cutting essential programs that serve the basic needs of low-income or vulnerable people." Moreover, the letter expressed deep concern with sweeping congressional efforts to ignore federal environmental protections to aid storm recovery. The letter concluded that the "costs of recovery should not be borne disproportionately by those most in need."
- "Border Plan Angers Detroiters: 'Our Community is Seen as Expendable,' Rep. Says," Windsor Star (Ontario Oct. 25, 2005) at A3. Politicians and community leaders in Detroit urged Michigan Governor Jennifer Granholm to approve an environmental justice policy that protects low-income communities and ensures that decisions are not made based on race or income. The calls for environmental justice stem from the perception that southwest Detroit, which is a predominantly low-income and minority area, has "been targeted for a new border crossing because [it] is seen as expendable." The southwest area is one of seven

crossing options that the Detroit River International Crossing Group, who will select the location, is considering. Representative Steve Tobocman (D-Southwest Detroit) noted that making this area a crossing point will compound the environmental issues in the area, which already houses a waste incinerator, sewage treatment facility, and an oil refinery. Critics believe that selection of southwest Detroit as a crossing area favors the wealthy and "dismisses quality-of-life concerns in low-income areas."

- "Digital Dump Creates Concerns," San Antonio Express-News (Oct. 25, 2005). According to a report, entitled "Digital Dump: Exporting High-Tech Re-use and Abuses to Africa," that the Basel Action Network issued on October 24, 2005, Africa has become a dumping spot for electronic waste from developed countries. The report notes that about 400,000 computers and monitors are sent to a dump in Lagos, Nigeria each month under the guise of recycling or providing developing countries with secondhand serviceable equipment. However, as much as 75 percent of the equipment is considered junk and dumped. Critics believe that such dumping of computers violates the United States environmental justice policies, as the monitors, especially, may leak toxic substances, such as lead and mercury, which may harm the residents near the dump.
- "Recent Developments in Environmental Justice; Environmental Law; New Jersey Continues to Push for Community Participation on Environmental Issues," New Jersey Law Journal (Oct. 24, 2005). The article discusses New Jersey's efforts to actively address environmental justice stemming from its creation of an Environmental Equity Task Force in May 1998. The article provides background on the efforts of the State's Department of Environmental Protection's ("DEP") to implement a environmental justice program in 1999 and 2000, which culminated in an Environmental Equity Policy that was later embodied within a DEP Administrative Order, dated January 25, 2000. The article highlighted that in 2001, New Jersey became the first state in the Nation to propose regulations that required community participation on environmental issues. In addition, the article touched upon Executive Order 96 that Governor James McGreevy signed in February 2004, which incorporated a multi-media and cross-agency approach to the issue of environmental justice and established an Environmental Justice Task Force. The article expressed the view that this Task Force will influence future environmental justice policy in New Jersey through petitions, enforcement initiatives, and regulations, which is discussed in greater detail in the article's remainder.
- "NRC Reconsiders Dangers of Depleted Uranium; Envirocare Discounts Concerns," <u>Salt Lake Tribune</u> (Utah Oct. 22, 2005) at A1. The United States Nuclear Regulatory Commission ("NRC") is reconsidering its stance on the safety of disposing depleted uranium in

areas of low-level radioactive waste. On October 19, 2005, the issue was discussed at a meeting on a case where a uranium enrichment plant that a United States and European consortium of companies, Louisiana Energy Services, proposed would send its waste to Envirocare, a facility in Utah that has accepted depleted uranium under a state license for more than a decade. Anti-nuclear groups, who assert that depleted uranium is extremely hazardous, applauded the NRC's reconsideration of the issue, as they believe that federal oversight of depleted uranium disposal is too lenient. Envirocare and Louisiana Energy Services, which abandoned plans to locate a plant in Louisiana due to an outcry from the surrounding heavily minority community, downplayed any hazards that may be associated with depleted uranium.

- "Reverend Jesse Jackson on the State of Black America, Federal Disaster Response, and Presidential Politics," CNBC Television

 Broadcast (Oct. 22, 2005). In a television interview with Tim Russert, the Reverend Jesse L. Jackson discussed a wide-range of issues, including the cleanup in New Orleans following Hurricane Katrina. Reverend Jackson was particularly critical of the Bush Administration asserting that the federal bailout led to the "gutting" of all of the State's civil rights and environmental protections. Reverend Jackson articulated his view that the displaced residents, not large national companies like Halliburton, should have been given "first preference on jobs and job training and contracts." In noting his unhappiness with the national response, Reverend Jackson further criticized the Administration for allowing Karl Rove to head the reconstruction, since Reverend Jackson believed that Mr. Rove's expertise was in "political restructuring, not economic restructuring."
- "Race, Ecology, and Campaigns," Chapel Hill Herald (NC Oct. 22, 2005) at 2. In this editorial, the author discussed how Hurricane Katrina brought the "long-neglected problem of environmental racism" to the forefront and "exposed the racism in state and national efforts to aid victims," particularly those who live near Superfund sites, or other vulnerable areas, and lack the means to evacuate. In noting that New Orleans' Lower Ninth Ward, which is 98% percent black and over a third in poverty, was completely flooded, the author identified that "the typically understanding of environmental racism . . . is insufficient." However, the author believes that despite the fact that Hurricane Katrina identified the problem of environmental racism, it remains an issue that has not received attention in the current political campaigns in North Carolina. While the candidates in the current campaigns may not discuss the need for environmental stewardship for all races and classes of people, the author concluded by expressing his hope that a leader "who will not shy away from addressing the social, economic, and environmental dimensions of racism," is elected.

- "Army Corps: NEPA Waivers Not an Option in Accelerated Gulf Reconstruction," Environment and Energy Daily (Oct. 21, 2005). The Army Corps of Engineers ("Corps") and the State of Louisiana will not request that Congress or the Bush Administration waive federal environmental regulations as they reconstruct flood and hurricane protection systems in the Gulf Coast. The commanding general of the Corps, Lieutenant General Carl Strock, who spoke before a House Panel on October 20, 2005, announced that the Corps will not pursue waivers of the National Environmental Policy Act ("NEPA") in its efforts to expedite construction of a new system that can withstand a Category 5 storm. NEPA requires that any new feasibility study take at least 2 years, and it is estimated that it would take 16 to 20 years to build advanced hurricane protection without the waivers; however, the Corps intends to adhere to NEPA to ensure transparency of its decisions in selecting the combination of levees, barriers, and wetlands to best protect New Orleans. Critics of the Corps' approach do not advocate that the Corps seek the NEPA waivers; rather, they stress the importance of streamlining the Corps efforts, because of the exigent circumstances.
- "Kettleman Landfill Expansion Under Fire; Chemical Waste's Plan Meets Vocal Opposition," Fresno Bee (Cal. Oct. 21, 2005) at A1. Local residents of Kettleman City and Greenaction, an environmental justice group, have opposed a proposal by Chemical Waste Management, Inc. ("CWM") to expand an existing landfill and build another landfill at its Kettleman Hills hazardous waste site. Officials of CWM and several federal and state agencies, as well as residents and representatives from Greenaction, met at a public meeting on October 19, 2005 and discussed the planned environmental impact reports ("EIRs") for the proposed projects. Prior to moving forward with the project, CWM must complete final EIRs, and at least eight state and federal agencies must issue permits. In questioning the necessity of the proposed expansion, residents, who carried signs in Spanish, voiced concerns over the health of their children, some of whom have asthma. In defending its actions, CWM asserted that it understood the residents' concerns; however, expansion was necessary because its landfill was nearing full capacity. In addition, CWM noted that asthma, as well as other health concerns, was already prevalent in that area. The meeting concluded with residents chanting in Spanish, "'the people united will never be defeated.""
- "Civil Rights Groups Call White House Response to Hurricane
 Katrina a Trojan Horse; Coalition Calls for Congressional
 Investigation into Bush Administration's Waiving of Federal Civil
 Rights Laws in Wake of Hurricanes Katrina and Rita," <u>AScribe</u>
 Newswire (Oct. 21, 2005). The Leadership Conference on Civil Rights
 ("LCCR"), the Nation's largest and most diverse civil and human rights
 coalition, sent a letter to the Senate Homeland and Government Affairs

Committee, the House Committee on Government Reform, and the House Committee on Homeland Security that urged an investigation into the Bush Administration's waiver of several federal civil rights and worker protections to help rebuild the Gulf Coast following the destruction that Hurricanes Katrina and Rita caused. Specifically, the letter noted nine specific areas of concern, including: "[i]gnoring federal procurement practices, which has resulted in the award of several multi-million dollar no-bid contracts that hurt small, minority, and women-owned businesses; [d]enying equal opportunity employment initiatives for workers in the Gulf states through an exemption from some existing Affirmative Action Program requirements for new federal contractors dealing with Hurricane Katrina relief; . . . [and] [a]llowing a temporary waiver of environmental protections in the Gulf Coast region and supporting additional environmental suspension at the expense of the health and safety of Katrina survivors, particular the poor, disabled, and minority populations."

2. Recent Litigation.

• No noteworthy cases were identified for this time period.

3. Regulatory/Legislative/Policy.

The following items were most noteworthy:

A. Federal Congressional Bills and Matters.

- No noteworthy congressional bills or matters were identified for this time period.
- Miscellaneous House and Senate Congressional Record Mentions of Environmental Justice include:
 - 151 Cong. Rec. E 2194 (Oct. 27, 2005), speech of Representative Nydia M. Velazquez (D-N.Y.). In commemoration of Hispanic Heritage month, Representative Velazquez recognized and praised the contributions of five individuals who have made a positive contribution to the Hispanic community. Of particular interest was Representative Velazquez's praise of Elizabeth C. Yeampierre, the Executive Director of the United Puerto Rican Organization of Sunset Park, which "has become the frontier organization on multiracial environmental justice issues impacting the community." Representative Velazquez noted the Organization's "Youth Justice" program that has successfully advocated for low-income, minority, and environmentally overburdened communities.

"Federal Action in Response to Hurricanes," Testimony of Kim Dunn Chapital, Deep South Center for Environmental Justice, on November 2, 2005 before the Senate Environment and Public Works Committee. Ms. Kim Dunn Chapital, who serves as the environmental trainer for unemployed and underemployed minorities living in low-income communities of color for the Deep South Center for Environmental Justice, testified before the Senate Environment and Public Works Committee as an expert on environmental and occupational health issues stemming from Hurricane Katrina and Hurricane Rita. In addition, she testified as a recently displaced resident of New Orleans, who was unable to permanently return to her home. Ms. Chapital discussed the impact of the hurricanes on her community and noted the anger and helplessness she felt in returning home for the first time following Hurricane Katrina. She then discussed the environmental and public health risks in the community and voiced her concern about the safety of the clean-up workers based on her understanding of the results of EPA sediment testing. In addition, Ms. Chapital expressed her concern that full public disclosure of the results had not occurred and questioned the adequacy of the sampling and testing. She urged EPA and other health agencies to broaden testing and health surveillance to ensure the safety of workers and returning residents. Ms. Chapital then advocated further precautions for returning residents and specifically recommended that sensitive populations avoid returning to the area until the cleanup is completed. In addition, she called for returning residents to wear protective gear and avoid drinking the water. Ms. Chapital concluded by urging the Committee to reject all efforts to weaken public health and environmental laws. "Historic Preservation vs. Hurricane Katrina," Testimony of Derrick Evans, Turkey Creek Community Initiatives, on

Derrick Evans, Turkey Creek Community Initiatives, on
November 1, 2005 before the House Committee on
Government Reform. Derrick Evans, the Founder/Director of
Mississippi's Turkey Creek Community Initiatives, which is a
local 5013 organization engaged in the revitalization of Gulfport,
Mississippi's historic and low-income endangered Turkey Creek
community, testified on the role of federal, state, and local
governments in preserving historic properties that Hurricane
Katrina and Hurricane Rita affected. Mr. Evans noted that
progress had been made in his organization's efforts to protect
Turkey Creek as an historic community. However, Mr. Evans
expressed his deep concern that Turkey Creek still faced obstacles,
such as poverty and the traditional non-involvement of poor and
black people, to achieving full restoration. Mr. Evans expressed
hope that assisting low-income owners of potential heritage
structures to bring their properties up to the standards for historical

recognition would become a priority following Hurricane Katrina, even though it was not prior. Mr. Evans concluded that the damage that Hurricane Katrina caused required a more inclusive inventory of the cultural and historical resources of the Mississippi Gulf coast.

<u>Federal Register Notices</u>.

- EPA, MCPB Risk Assessment, Notice of Availability, 70 Fed. Reg. 66,384 (Nov. 2, 2005). EPA promulgated this notice that announced the availability of its risk assessments and related documents for the herbicide, 4-(2-methyl-4-chlorophenoxy)butyric acid ("MCPB"), and opened a public comment period that ends January 3, 2006 on these documents. EPA is developing a Reregistration Eligibility Decision for MCPB. To help address potential environmental justice issues, EPA seeks, among other things, "information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to MCPB compared to the general population."
- EPA, Standards and Practices for All Appropriate Inquiries, **70** *Fed. Reg.* **66,070** (Nov. 1, 2005). EPA established federal standards and practices for conducting all appropriate inquiries as Sections 101(35)(B)(ii) and (iii) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") require. The final rule, which became effective that day, established specific regulatory requirements and standards for conducting all appropriate inquiries into the prior ownership and uses of a property to meet the all appropriate inquiries provisions needed to qualify for certain landowner liability protections under CERCLA. This final rule may most directly affect people and businesses that purchase commercial property or any property that will be used for commercial or public purposes who may, after purchase, seek to claim protection from CERCLA liability for releases, or threatened releases, of hazardous substances. EPA made it a priority to obtain input from representatives of environmental justice interest groups during the development of the final rule because brownfields significantly affect environmental justice communities, and federal standards for all appropriate inquiries may encourage the assessment and cleanup of brownfields sites. Three representatives from environmental justice advocacy groups participated on, and played a significant role in, the Negotiated Rulemaking Committee that developed the all appropriate inquiries proposed rule. The final rule did not contain any significant changes to the proposed rule. More importantly, the final rule did not include any change that will

- significantly or disproportionately impact environmental justice communities.
- Ambient Air Quality Standards, 70 Fed. Reg. 65,984 (Nov. 1, 2005). The proposed rule described the requirements that States and Tribes must meet in their implementation plans for the attainment of the fine particle ("PM 2.5") national ambient air quality standards ("NAAQS"). The proposed rule is particularly important in light of the health effects associated with exposure to PM 2.5, particularly for older adults and children, which include premature death, aggravation of heart and lung disease, and asthma attacks. The preamble noted that EPA did not believe that the proposed rule raised any environmental justice issues, as EPA believed that the proposed rule provided a framework for improving environmental quality. The proposed rule solicited comments, which must be submitted by January 3, 2006.
- Tennessee Valley Authority ("TVA"), Final Environmental Impact Statement – 500 kV Transmission Line in Middle Tennessee, 70 Fed. Reg. 65,958 (Nov. 1, 2005). TVA announced that it will implement the preferred alternative for the 500 kV Transmission Line in Middle Tennessee as the Final Environmental Impact Statement ("EIS") specified. TVA plans to construct and operate the new 38.5 mile 500 kV transmission line between Cumberland Fossil Plant in Stewart County, Tennessee and TVA's Montgomery 500 kV Substation in Montgomery County Tennessee, which is within the Corridor B area that the Final EIS described. In finalizing the EIS, EPA requested clarification of the environmental justice information. The notice asserted that TVA considers potential environmental justice effects as a matter of policy. Using census block figures, TVA considered the percentage of the nonwhite population and found that none of the census blocks along the Corridor B route in Montgomery County have nonwhite populations that exceed county-wide or state proportions. In addition, TVA determined that the nonwhite population for one Corridor B census block in Stewart County is 6.0 percent, which is higher than the county average but much lower than the state average. Moreover, TVA found that none of the census tracks along the Corridor B route have poverty rates significantly greater than the state rate; however, three tracts did slightly exceed the local county rates. Based on its findings, TVA determined that the Corridor B route presented a low potential for disproportionate impacts to disadvantaged populations and, thus, concluded that measures to mitigate environmental justice impacts were not necessary.
- DOT, The Alaska Railroad Corporation—Petition for Exemption to Construct and Operate a Rail Line Between

Eielson Air Force Base (North Pole) and Fort Greely (Delta Junction), Alaska 70 Fed. Reg. 65,976 (Nov. 1, 2005). The notice announced that the Alaska Railroad Corporation plans to file a petition with the Surface Transportation Board to begin construction and operation of a new rail line between Eielson Air Force Base and the Delta Junction/Fort Greely area in Alaska. Approximately 80 miles of new main line track would be constructed. The notice served to notify individual and agencies interested in, or affected by, the proposed project that an EIS will be prepared. In addition, public scoping meetings will be held on December 6-8, 2005 in different locations in Alaska to discuss this project and to also discuss a draft Scope of Study for the EIS that has been developed as part of this scoping process. An environmental impact analysis will be included in the EIS to address potential impacts from the proposed construction and operation of new rail facilities on the human and natural environment. Environmental justice represents one of the impact areas that will be addressed. Specifically, the EIS will: (1) describe the demographics in the project area and immediate vicinity of the proposed new construction, including communities potentially impacted by the construction and operation of the proposed new rail line; (2) evaluate whether new rail line construction or operation would have a disproportionately high and adverse impact on any minority or low-income groups; and (3) propose mitigative measures to minimize or eliminate potential project impacts on environmental justice populations. The notice also solicited comments; however, no due date appeared to be specified.

- DOD, Public Scoping Meeting and Preparation of Draft
 Environmental Impact Statement for Widening of the Freeport
 Ship Channel in Freeport, Brazoria County, TX, 70 Fed. Reg.
 62,101 (Oct. 28, 2005). The United States Army Corps of
 Engineers, Galveston District, announced its intent to prepare a
 Draft Environmental Impact Statement ("DEIS") to assess the
 social, economic, and environmental effects of a proposed
 widening of portions of the Freeport Harbor Entrance and Jetty
 Channels. The DEIS will assess the potential impacts of a range of
 alternatives, including the No Action and preferred alternatives.
 Environmental justice is one of the significant issues that the DEIS
 will analyze extensively. A public scoping meeting is scheduled
 for November 29, 2005.
- CDC, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry, 70 Fed. Reg. 61,978
 (Oct. 27, 2005). The Community and Tribal Subcommittee of the Board of Scientific Counselors, Centers for Disease Control and Prevention ("CDC"), National Center for Environmental

Health/Agency for Toxic Substances and Disease Registry ("NCEH/ATSDR") announced a meeting that will be held on November 16, 2005 in Atlanta, Georgia to discuss impacts of NCEH/ATSDR's national and regional policies, practices, and programs. The meeting agenda will include: discussions on NCEH/ATSDR health disparities and environmental justice programs; the development of an agency environmental justice strategy; a review of new NCEH and ATSDR Web sites; and discussion of new members to the subcommittee.

- Board, Savannah River, 70 Fed. Reg. 61,791 (Oct. 26, 2005).

 The Environmental Management Site-Specific Advisory Board, Savannah River, ("Board") announced that it will hold a meeting on November 14 and 15, 2005, in North Charleston, South Carolina. The Board was established to make recommendations to the United States Department of Energy regarding environmental restoration, waste management, and related activities. Included on the agenda is a session on environmental justice initiatives, which will be held on Tuesday, November 15, 2005.
- DOT, Preparation of Environmental Impact Statement for the Downtown Birmingham/University of Alabama Birmingham Activity Centers (a.k.a. In-town Transit Partnership Project), 70 Fed. Reg. 61,687 (Oct. 25, 2005). DOT's Federal Transit Administration provided notice that it is conducting an alternatives analysis and preparing a DEIS for transit improvements in the Downtown Birmingham/University of Alabama Birmingham Activity Centers. The DEIS will fully disclose the environmental consequences of building and operating a major capital investment in the Downtown Birmingham/University of Alabama Birmingham Activity Centers area before making any decision to commit substantial financial or other resources. Included among the environmental issues to be considered is the impact of the action to environmental justice populations. Comments must be received no later than January 20, 2006. Public scoping meetings will be held on December 5 and 6, 2005.
- Committee ("NPPTAC"); Notice of Public Teleconference, 70 Fed. Reg. 61,614 (Oct. 25, 2005). EPA provided notice that it would hold a public teleconference of the NPPTAC to provide the Agency with advice and recommendations regarding the overall policy and operations of the programs of the Office of Pollution Prevention and Toxics ("OPPT"). The teleconference, which will be held on November 17, 2005 at noon, is for the general public; however, the notice specifies that certain groups, such as individuals concerned with environmental justice or children's health as they relate to OPPT's programs under the Toxic

- Substances Control Act and the Pollution Prevention Act, may be particularly interested.
- DOD, Intent to Prepare a Joint Supplemental Environmental **Impact Statement/Supplemental Environmental Impact** Report for the Port of Los Angeles Channel Deepening Project for Navigation Improvement Additional Disposal Capacity, Los Angeles, CA, 70 Fed. Reg. 61,262 (Oct. 21, 2005). The United States Army Corps of Engineers promulgated this Supplemental Notice of Intent to make several changes to its original Notice of Intent that it published on November 4, 2004 (69 Fed. Reg. 64,280). The initial notice announced plans to prepare a Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report ("SEIS/SEIR") for additional disposal capacity required to complete the Port of Los Angeles Channel Deepening Project for Navigation Improvement. The SEIS/SEIR will consider the potential impacts of the reasonable foreseeable use of proposed disposal sites for future port development. In doing so, the SEIS/SEIR will analyze, among other things, socioeconomic impacts, which include environmental justice considerations. Comments must be submitted on or before November 21, 2005.

B. State Congressional Bills and Matters.

• Florida, DOT, Notices of Meetings, Workshops, and Public Hearings, 2005 Reg. LEXIS 46673 (Oct. 21, 2005). Included among the numerous notices of upcoming events was an announcement by the Department of Transportation of a public hearing on November 17, 2005, in Boynton Beach to discuss the proposed widening of Florida's Turnpike. The hearing will allow interested individuals to view maps and materials and express their views on, among other things, the social, economic, and environmental effects of the proposed widening.